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Quarterly Report
Third Quarter 2003

Majority of Proposed Changes Adopted to ACFA Regulations

Three changes adopted, one dropped and one postponed during rulemaking process

Three changes proposed to the ACFA regulations will be implemented as planned, while the addition of one has been abandoned and the deletion of another will be revisited. Dr. Jerry Eber, ACFA program veterinarian, reported that two written comments were received on the proposals.

Three of the five proposed changes will be adopted as part of the rulemaking process. These changes are meant to clarify how contested cases are settled, affect information that is gathered at dog auctions, and delete additional holding periods for dogs and cats moving through shelter channels.

A new rule will state that contested cases and other matters involving licensees and the director, or his designee, may be informally resolved by consent agreement, settlement, stipulation, consent order, or default. The ACFA Program has been advised by the attorney general's office that statutory authority for this type of action currently exists, and the settlement agreements are already in use. The rule clarifies the methods that may be used in resolving these matters. Licensees that reject such offers can have their case heard in an administrative hearing.

Another new rule will require auctions under ACFA jurisdiction to disclose the name, mailing address, and any ACFA/USDA license number of all people registering at auction to buy animals. This change is meant to help investigate unlicensed facilities.

Changes will be made to holding periods as well. With the deletion of two rules, pounds, animal shelters, and rescues will no longer be required to hold dogs or cats for an additional ten-day holding period. The initial five-day holding period remains in effect in order that pet owners have time to reclaim their dog or cat. The deletion of this rule was proposed in order to keep from placing undue burden on animal shelters and rescues that transfer custody between licensees (i.e. shelter-to-shelter transfers). Under the new rules, cats and dogs placed by shelters could be moved into permanent homes without additional holding times.

One proposed rule was dropped during the public comment process. Licensed animal rescues and shelters will not be required to disclose active fostering sites. Organizations relying entirely on foster homes need to be licensed, and the licensee or designated organization representative must maintain records of acquisition, vet care, disposition and sterilization.

Finally, the proposed changes in tethering were postponed after adverse comments concerning the wording, or lack of, in the new rule. The ACFA Advisory Committee has recommended moving forward with the intent of the proposal. Dr. Eber plans to refine the wording and publish those changes in the *Missouri Register*.

Conference on Homeless Animal Management and Policy in St. Louis

Dr. Taylor Woods, Dr. Jerry Eber, and members of the ACFA staff attended the Conference on Homeless Animal Management and Policy in St. Louis during the past quarter. The Pet Savers Foundation of Stratford, Connecticut presented the conference.

Presenters at the conference came from across the country and around the globe, from the United Kingdom to Hong Kong. Presenters from Missouri included Randy Grim, Nancy Groves, Dr. Dan Knox, Mary Metzner, Liz Rudder, Marshall Smith, Shirley Sostman, Kim Townsend, Dr. Philip Wagenknecht and Teresa Williams. Several exhibitors from Missouri were also in attendance, some of which helped to sponsor the event. Several ACFA licensees were in attendance as the conference provided a forum for education and networking.

The conference focused on animal shelters and the people that work to make them successful. Workshops presented at the conference focused on shelter medicine, spay/neuter programs, animal control, shelter operations, shelter development, and shelter management and policy. The Missouri Department of Agriculture was among more than 60 exhibitors at the event.

Humane Society of Missouri and Animal Care Hold Joint Conference

The Humane Society of Missouri (HSM) hosted a meeting in August that focused on the ACFA program and HSM's Statewide Rescues and Investigations program.

Animal care personnel explained various programs within the Division of Animal Health, including market licensing, disease surveillance, dead animal disposal, and abuse and neglect calls. Kathy Warnick of HSM discussed facilities and programs maintained by their organization, including two animal shelters, a farm sanctuary, Operation Pet Partners, and their Spay/Neuter Initiative Program. Curt Ransom discussed the Rescues and Investigations program.

Curt Ransom reported that seven percent of total complaints received by his group involved ACFA-type facilities (breeders, shelters, et al.), whether licensed or unlicensed. The remainder involved facilities not under ACFA oversight, such as private citizens or animal species not covered by the ACFA.

Maintaining professional relationships was discussed. Both sides stressed the need to promote positive images of each other and the need to share information, particularly in cases where one agency may specialize. The remainder of the meeting focused on clarifying laws and regulations.

Ron Praiswater Speaks to Missouri Animal Control Association

Ron Praiswater, ACFA animal health officer, spoke at the Missouri Animal Control / Humane Officer's Training Program in September. This is the fifth year Ron has presented to the group, which represents animal control interests.

During his presentation, Ron explained the proposed ACFA rule changes, the intent of the changes, and the status of the changes. He also gave a brief overview of the ACFA program and fielded questions from the audience.

The training seminar is held annually and brings in speakers from across the state to present ideas relevant to animal control organizations within Missouri.

Frequently Asked Question:

We are always open to questions. Through the use of this column, we hope to answer some questions that are commonly asked of our staff.

What is a hobby/show breeder?

Breeders exempt from the Animal Welfare Act are often referred to as “hobby breeders.” ACFA’s definition is narrower, which sometimes causes confusion.

The Animal Care Facilities Act allows “hobby or show breeders” exemption from licensing and inspection requirements of the ACFA law. Hobby or show breeders, while exempt from fees and inspection, are required to register annually with the Missouri Department of Agriculture for the purpose of establishing and maintaining their status. Renewal packets are mailed to all licensees and registrants once per calendar year.

By definition, hobby/show registrants must meet the following requirements:

1. They must be exhibiting or showing. This can include conformation, obedience, field trials, and virtually any competitive public exhibition.
2. They must harbor no more than ten intact females. This includes all females on site. Females that are less than 6 months of age, greater than 10 years of age or spayed do not count toward this requirement.
3. They may not sell to brokers, dealers or pet stores. They can only sell to other breeders or individuals.

A hobby/show registrant is exempt from licensing and inspection requirements, but ACFA staff may verify status in the event of a complaint. Breeders with more than ten intact females are required to be licensed, even if they sell one dog or cat per year.

Census of ACFA Facilities

(As of August 22, 2003)

Commercial Breeders	1,386
Commercial Kennels	38
Boarding Kennels	130
Dealer/Broker	106
Pet Shops	75
Contract Kennels	17
Exhibitors	5
Hobby/Show Licensed	27
Hobby/Show Registered	256
Animal Shelters	74
Municipal Dog Pounds	216
Pet Sitters	10
Intermediate Handlers	9
Rescues	79
Total	2,428

Dual-Licensed Facilities

Dog and cat breeders within Missouri that harbor more than three intact females and sell to brokers, dealers, or pet stores are required to be licensed with the United States Department of Agriculture as well as the Missouri Department of Agriculture. These facilities are referred to as dual-licensed facilities and are required to maintain a license from both agencies.

Contact the USDA at:

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Fort Collins, CO 80526-8117

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Lee Weeks Retires

Lee Weeks, ACFA animal health officer, has retired from his life as a public servant. We wish him the best.

Lee worked for county law enforcement before starting work at the Missouri Department of Agriculture in 1984. He has been with the department ever since. During the past few years, Lee worked in the counties of Lawrence, Greene, Christian, Stone, Taney, Douglas, Ozark, Howell, Shannon, and Oregon.

We would like to thank Lee for his service to the Department of Agriculture, his input to the ACFA program and the dedication he has displayed over the past two decades.

Compliance Activity

A commercial breeder in Shelby County had her ACFA license revoked after failing six inspections over the course of three months. Citations focused on a lack of veterinary care.

ACFA officials are considering sanctions against a commercial breeder in Buchanan County after the licensee refused an inspection. St. Joseph Animal Control assisted on this case after they received odor complaints.

ACFA officials are considering sanctions against a Jackson County dealer accused of selling underage puppies.

We anticipate these matters to be resolved by the end of the year.

ACFA Inspectors Documenting Repeat Violations at Higher Rates

Automation of the records system has allowed the department's staff to gather a variety of statistics. The following statistics readily reveal that original and repeat violations are being documented at increasingly higher rates.

	<i>2001</i>	<i>2002</i>	<i>As of July 28, 2003</i>
1 st Violation	431	613	384
2 nd Violation	34	48	53
3 rd Violation	1	4	13

This data could be interpreted to suggest that the level of animal care is deteriorating, when actually a priority is being placed on problem facilities.

First, the automated records system requires non-compliant items to be tracked to some point of resolution. During follow-up, each item must be accounted for or the report won't print. If the problem has been corrected, the licensee is given credit. If the problem remains, the item is moved to the next category. When the same non-compliant item has been documented three times in a row, disciplinary action is required.

Second, a dedicated staff has refined its focus. Reinspections are given higher priority. The addition of two field staff in 2002 contributed to this by easing the burden of the routine workload, which directly affects the amount of time spent for other items such as focusing on unlicensed activity, investigating complaints, and monitoring improvements.

As the volume of information within our database continues to grow, we will continue to release information. Eventually, this type of reporting can help to influence changes that result in a higher level of care across the state.